

House Bill 388 (AS PASSED HOUSE AND SENATE)

By: Representatives Smith of the 168th, Roberts of the 154th, and Sims of the 169th

A BILL TO BE ENTITLED

AN ACT

To create a board of elections and registration for Jeff Davis County and provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the selection and appointment of its members; to provide for the qualification, terms, and removal of members and for filling vacancies; to provide for oaths and privileges; to relieve certain boards and officers of certain powers and duties and provide for the transfer of functions to the newly created board; to provide for certain expenditures of public funds; to provide for compensation of members of the board and personnel; to provide for officers and equipment; to provide for the board's performance of certain functions and duties for certain municipalities; to provide for related matters; to provide for submission for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Pursuant to Code Section 21-2-40 of the O.C.G.A., there is created the Jeff Davis County Board of Elections and Registration, herein referred to as "the board." The board shall have the powers, duties, and responsibilities of the judge of the probate court of Jeff Davis County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," and the powers, duties, and responsibilities of the board of registrars of Jeff Davis County under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

SECTION 2.

The terms "election," "elector," "political party," "primary," and "public office" shall have the same meanings as set forth in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," unless otherwise clearly apparent from the text of this Act, and the term "commissioners" means the board of commissioners of Jeff Davis County and "county" means Jeff Davis County.

SECTION 3.

(a) The board shall be composed of three members, each of whom shall be an elector of Jeff Davis County and shall be appointed as provided in this section.

(b) The members of the board shall be selected by the governing authority of Jeff Davis County.

(c) All appointments to the board shall be promptly certified by the appointing authority of Jeff Davis County to the clerk of the Superior Court of Jeff Davis County.

(d) The initial appointees to the board shall take office on July 1, 2007. The members appointed by the governing authority of Jeff Davis County shall serve staggered terms of three years each beginning on July 1 of the year and ending on June 30 of the third year, except that for the first board appointed, one member shall be appointed to serve one year, ending on June 30, 2008; one member shall be appointed for an initial term of two years, ending on June 30, 2009; and one member shall be appointed to serve an initial term of three years, ending on June 30, 2010. As the initial term of each board member expires, a successor board member shall be appointed for a full three-year term. Notwithstanding anything in this Act to the contrary, each member appointed shall serve until his or her respective successor is duly appointed and qualified and takes office. All board appointments shall be made at least 30 days prior to the end of the term of the board member whose term is about to expire.

(e) The board of commissioners shall select one board member to serve as chairperson and a second member to serve as vice chairperson, both to serve at the pleasure of the board of commissioners. Such chairperson shall preside over all meetings of the board and shall vote. The vice chairperson shall serve in the absence of the chairperson.

(f) A quorum of board members present at any duly held or called meeting shall constitute a quorum for transacting all business before the board.

(g) Notwithstanding any provision of this Act to the contrary, board members may be removed for cause by the board of commissioners.

SECTION 4.

The Jeff Davis County Board of Commissioners shall select and appoint a person as election supervisor to serve at the pleasure of the board of commissioners. The board of commissioners may appoint the chairperson of the board of elections or any other qualified person to serve as election superintendent. The Jeff Davis County Board of Commissioners shall set the pay and salary of such elections supervisor. The election supervisor or his or her designee shall generally direct and control the administration of the affairs of the board pursuant to law and duly adopted resolutions of the board. The election supervisor shall be supervised by the board of commissioners and shall be deemed to be an at-will employee of

1 the board of commissioners subject to removal at any time, with or without cause, by the
2 board of commissioners of Jeff Davis County. The board of commissioners may also appoint
3 an assistant election supervisor who shall carry out the duties of the election supervisor in
4 the absence of such person.

5 **SECTION 5.**

6 Each member of the board shall:

- 7 (1) Be eligible to be reappointed to succeed himself or herself;
8 (2) Have the right to resign at any time by giving written notice of his or her resignation
9 to the governing authority of Jeff Davis County; and
10 (3) Serve until his or her successor is appointed and qualified and takes office.

11 **SECTION 6.**

12 (a) The appointing authority shall certify the appointment of each member of the board by
13 filing an affidavit with the clerk of the superior court no later than 30 days preceding the date
14 upon which such members are to take office, stating the name and residential address of the
15 person appointed and certifying such member has been duly appointed as provided in this
16 Act.

17 (b) The clerk of the superior court shall record each of such certifications on the minutes of
18 the superior court and shall certify the name of each such appointed member to the Secretary
19 of State and provide for the issuance of appropriate commissions to the members within the
20 same time and in the same manner as provided by law for registrars.

21 **SECTION 7.**

22 (a) In the event a vacancy occurs in the office of any member of the board by removal,
23 death, resignation, or otherwise, except by expiration of term, the board of commissioners
24 shall appoint a successor for the remainder of the unexpired term as provided for in Section
25 3 of this Act. The clerk of the superior court shall be notified of such interim appointments
26 and record and certify such appointments in the same manner as the regular appointment of
27 members.

28 (b) Before entering upon his or her duties, each member of the board shall take substantially
29 the same oath as required by law for registrars. Each member of the board shall have the
30 same privileges from arrest as registrars.

SECTION 8.

The first members of the board under this Act shall be appointed as provided in this Act to take office on July 1, 2007. The board shall take no official action until all members have been certified to the clerk of the Superior Court of Jeff Davis County.

SECTION 9.

(a) No person who holds elective public office shall be eligible to serve as member of the board during the term of such elective office, and the position of any member of the board shall be deemed vacant upon such member's qualifying as a candidate for elective public office.

(b) Members of the board must be residents of Jeff Davis County and must have been registered voters in Jeff Davis County for a period of at least one year prior to the date of appointment to the board.

SECTION 10.

The board shall have the authority to contract with any municipality or governmental authority located within Jeff Davis County for the holding by the board of any primary or election to be conducted within such municipality or governmental authority.

SECTION 11.

(a) The board shall be authorized and empowered to organize itself, determine its procedural rules and regulations, adopt bylaws, specify functions and duties of its employees, and otherwise take such action as is appropriate to the management of its affairs; provided, however, that no such action shall conflict with state law.

(b) Action and decision by the board shall be by a majority of the members of the board.

SECTION 12.

(a) The board shall fix and establish, by appropriate resolution entered on its minutes, directives governing the execution of matters within its jurisdiction. The board shall hold meetings at the county courthouse or at the place of meeting of the commissioners. Any specially called meetings held pursuant to the bylaws adopted by the board shall be held only after notification of the time and place of the holding of such special meeting has been communicated in writing to the election supervisor to provide public notice of the meeting as required by law. All meetings of whatever kind of the board shall be conducted pursuant to Chapter 14 of Title 50 of the O.C.G.A.

(b) The board shall maintain a written record of policy decisions amended to include additions or deletions. Such written records shall be available for the public to review pursuant to Article 4 of Chapter 18 of Title 50 of the O.C.G.A.

SECTION 13.

Compensation for the members of the board shall be fixed by the board of commissioners, to be payable from the general revenues of Jeff Davis County.

SECTION 14.

(a) The board may request additional clerical assistants as needed to efficiently carry out the duties and functions of the board on either an independent contract basis or as county employees entitled to all benefits as other county employees, to be determined by the board of commissioners. The board of commissioners shall be responsible for determining the pay and salary of all clerical assistants of the board. Any such assistant shall be hired by the board of commissioners, which will consider the recommendation of the board, and such clerical assistants shall be at-will employees of the board of commissioners.

(b) The board of commissioners shall provide suitable offices and equipment and funding sufficient to employ the staff and other employees as may be necessary.

SECTION 15.

The board shall be responsible for the selection, appointment, and training of poll workers.

SECTION 16.

The board of commissioners of Jeff Davis County shall cause, through its legal counsel, this Act to be submitted for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended, within 45 days after the date on which this Act is approved by the Governor or otherwise become law without such approval.

SECTION 17.

As soon as practicable, the board of registrars of Jeff Davis County shall deliver to the board all equipment, supplies, materials, books, papers, records, and facilities pertaining to such powers and duties and thereafter shall be relieved of all powers and duties to which the board succeeds by the provisions of this Act. Nothing contained in this Act is intended to prevent the appointment of members of the board, hiring of an elections supervisor, hiring of clerical staff, or any necessary training for the members of the board, the election supervisor, and clerical assistants prior to July 1, 2007.

SECTION 18.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval for purposes of making initial appointments to the board only. This Act shall become fully effective on July 1, 2007, or upon receiving preclearance approval under Section 5 of the federal Voting Rights Act of 1965, whichever occurs later.

SECTION 19.

All laws and parts of laws in conflict with this Act are repealed.